

HINGHAM PLANNING BOARD MINUTES

August 9, 2021 @ 7:00 PM

REMOTE MEETING

Board Members Present Remotely: Kevin Ellis, Gary Tondorf-Dick, Judith Sneath, Gordon Carr

Also Present: Christine Stickney, Interim Town Planner; Susan Murphy, Special Real Estate Counsel

Members Absent: Rita Da Silva

At 7:01 p.m. Chair Ellis called the meeting to order and stated the following:

“This meeting is being held remotely as an alternate means of public access pursuant to Chapter 20 of the Acts of 2021 temporarily amending certain provisions of the Open Meeting Law. You are hereby advised that this meeting and all communications during this meeting may be recorded by the Town of Hingham in accordance with the Open Meeting Law. If any participant wishes to record this meeting, please notify the chair at the start of the meeting in accordance with M.G.L. c. 30A, § 20(f) so that the chair may inform all other participants of said recording.”

Hearing(s)

Chair Ellis stated the first matter was **75 Sgt. William B. Terry Drive**, Site Plan Approval in Association with a Building Permit Waiver Request. Mr. Kevin Walker from the John Flatley Company and Chris Hardie from Hardie Contraction represented the applicant, Chris Hardie. Mr. Walker stated the applicant was requesting a waiver as all modifications were to the interior and that the applicant will only have 10-12 employees.

Chair Ellis asked about the use. Mr. Walker stated it would be offices and cubicles as before. Mr. Tondorf-Dick asked about any servicing requirements such as distribution that would impact parking. Mr. Walker stated there would be none.

Based on the information submitted and presented during the hearing and discussions of the Board during the meeting, Chair Ellis moved that the Board waive site plan review under Section I-I.5 of the Zoning Bylaw in connection with interior modifications to the second floor of 75 Sgt. William B. Terry Drive as shown on plan entitled “Tenant Improvements for BKM, John J. Flatley Company, 75 William Terry Dr. Hingham, MA”, dated 07-01-2021.

Second: Judith Sneath

In Favor: Gordon Carr, Gary Tondorf-Dick, Judith Sneath, Kevin Ellis

Opposed: None

Chair Ellis stated the next matter was **Jordan Way/Lot 4**, Site Plan Approval which had been continued from July 26, 2021. Mr. John Woodin represented the applicant. Mr. Woodin stated he met Member Tondorf-Dick at the site, and that he had since made revisions to plans including to the driveway, and that tree preservation markers and trees had been added.

There was discussion regarding the tree preservation area, markers and tree placement.

Mr. John Chessia, Town's peer review engineer, stated no drainage aspects were modified.

Mr. Tondorf-Dick discussed the site visit including the saved trees, the tree line, the tree preservation area, the ledge, the driveway layout and the island area.

Chair Ellis stated the proposed findings were as follows:

- a. ***Protection of abutting properties against detrimental uses by provision for surface water drainage, fire hydrant locations, sound and site buffers, and preservation of views, light and air, and protection of abutting properties from negative impacts from artificial outdoor site lighting;***

Adjoining lots will not be affected by surface water from the lot as the drainage is designed in accordance with the original subdivision design. Due to the tree coverage existing and to be added to the lot, site lighting should not adversely affect abutters.

- b. ***Convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets; the location of driveway openings in relation to traffic or to adjacent streets, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections; sufficiency of access for service, utility and emergency vehicles;***

The application is triggered by land disturbance. The proposed single-family dwelling is located within an approved subdivision and therefore the driveway is located on the approved subdivision way. There are issues related to the location of the driveway on the lot which are addressed by this approval, but those issues do not affect the safety of the driveway in relation to the subdivision road.

- c. ***Adequacy of the arrangement of parking, loading spaces and traffic patterns in relation to the proposed uses of the premises; compliance with the off-street parking requirements of this By-Law;***

The proposed dwelling includes a garage accessed via a driveway from Jordan Way. There is sufficient parking available on the site for a single-family use.

- d. ***Adequacy of open space and setbacks, including adequacy of landscaping of such areas;***

While pre-existing trees exist on the lot, the Board's peer review engineer, John Chessia, noted that there has been disturbance of the Tree Preservation Area shown on the approved subdivision plan. Demarcation of the Tree Preservation Area, including additional boulders in addition to those required under the subdivision approval, and new plantings are provided for to address these conditions.

- e. ***Adequacy of the methods of disposal of refuse and other wastes during construction and resulting from the uses permitted on the site including, but not limited to, discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes; provided, that***

discharge of refuse or other wastes into the municipal storm water system shall be expressly prohibited;

Management of soil tracked from the site and control of dust will be a required condition of this approval.

- f. ***Prevention or mitigation of adverse impacts on the Town's resources, including, without limitation, water supply, wastewater facilities, energy and public works and public safety resources;***

The proposed residential use can be sufficiently addressed through the Town's water supply. The proposed septic system is subject to approval by the Board of Health.

- g. ***Assurance of positive storm water drainage and snow-melt run-off from buildings, driveways and from all parking and loading areas on the site, and prevention of erosion, sedimentation and storm water pollution and management problems through site design and erosion controls in accordance with the most current versions of the Massachusetts Department of Environmental Protection's Storm water Management Policy and Standards including the Massachusetts Storm water Handbook, the Massachusetts Erosion and Sediment Control Guidelines and, if applicable, additional requirements under the Town of Hingham MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal storm water;***

The basic stormwater design was reviewed during the subdivision review process and, based on Mr. Chessia's review, the design for this site is consistent with the subdivision design previously approved.

- h. ***Assurance that appropriate Best Management Practices have been incorporated to minimize the amount of disturbed areas and protect natural resources, stabilize sites when projects are complete or operations have temporarily ceased, protect slopes on the construction site, protect storm drain inlets and armor all newly constructed outlets, install perimeter controls at the site, stabilize construction site entrances and exits to prevent off-site tracking of material, and to provide for regular inspection of storm water controls at consistent intervals;***

Based on Mr. Chessia's review, the site is predominantly ledge which is unsuitable for infiltration. The applicant proposed a subsurface roof drain system which is intended to achieve the maximum feasible infiltration.

- i. ***Protection of natural and historic features including minimizing: the volume of cut and fill, the number of removed trees of 6 inches caliper or larger, the removal of stone walls, and the obstruction of scenic views from publicly accessible locations;***

The Tree Preservation Area required on the lot pursuant to the subdivision plans and approval has been altered without the Planning Board's approval of a subdivision modification. The revised site plan and landscape plan show the reestablishment of the boundary of the Tree Preservation Area by the addition of more boulders along the boundary and planting of replacement trees.

J. Minimizing unreasonable departure from the character and scale of buildings in the vicinity or as previously existing on or approved for the site;

The footprint of the single-family dwelling is consistent with others in the subdivision.

and that the proposed conditions were as follows:

1. Prior to commencement of any work on the lot, the applicant shall revise the Site Plans as follows:
 - (a) The Civil Set and the Landscape Plan shall be revised to clearly note that the two pin oaks to be planted to the northwest of the house (on either side of the Norway Spruce plantings) are to be planted inside of the Tree Preservation Area.
2. Prior to commencement of construction on the site, an Illicit Discharge Certification Statement must be provided.
3. Prior to issuance of a building permit, the applicant shall place the boulders shown on the Site Plan along the Tree Preservation Area boundary and such boulders shall be maintained in such locations.
4. Standard Conditions
 - (a) Pre-Construction Meeting. Prior to any construction on the site, the applicant shall schedule a pre-construction review meeting with inspection of the erosion control installation and marked limits of clearing. Any existing erosion controls within the existing Tree Preservation Area shall be relocated or replaced with a new sock boundary at the boundary of the Tree Preservation Area.
 - (b) Inspections. Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control during construction, including during installation of the approved drainage and stormwater system. There shall be established, at the applicant's expense, a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.
 - (c) As-Built Plan Requirement. Upon project completion an as-built plan must be submitted to the Building Commissioner prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans.
 - (d) Dust and Soil Control. At the end of each workday, the site contractor shall address with broom sweeping any soil tracked-out onto Jordan Way. The applicant shall have measures available on-site to address dust should it begin to occur during dry periods of construction.
 - (e) SWPPP. Applicant shall comply with the existing Stormwater Pollution Protection Plan (SWPPP) submitted in connection with the Subdivision approval.

Based on the information submitted and presented during the hearing and discussions of the Board during the meeting, Chair Ellis moved that the Planning Board grant the application of Canterbury, LLC for site plan approval pursuant to Section I-I and Section IV-B.6 of the Zoning By-Law for the property located at 4 Jordan Way, as shown on the Site Plans, in accordance with the findings and subject to the conditions adopted by the Planning Board and incorporated herein. The Site Plans shall mean (a) the civil plan set for “4 Jordan Way, Hingham, MA” (5 sheets), prepared by James Engineering, Inc., dated March 7, 2021, last revised August 3, 2021, (b) “Grading & Drainage Plan (Lot 4A)”, Sheet C-213, prepared by CHA, issued 8/28/17, revised through 5/25/18, and (c) “Landscape Plan 3”, Sheet L-1, prepared by Tish Campbell, dated 4/27/21, revised through 8/4/21.

Second: Gary Tondorf-Dick

In Favor: Gary Tondorf-Dick, Judith Sneath, Gordon Carr, Kevin Ellis

Opposed: None

Chair Ellis stated the next matter was **220 Summer Street**, Enforcement Site Plan Review, Land Disturbance which was continued from the July 19, 2021 meeting of the Planning Board. Mr. Gary James represented the applicant. Chair Ellis stated the Board had received a request to continue the matter and that he would like Mr. Chessia to advise what is needed from his perspective regarding substantive issues so staff can work with the applicant to address any outstanding issues.

Mr. Chessia discussed missing information and outstanding items.

There was discussion regarding a proposed landscaping plan.

Ms. Stickney discussed concerns regarding spot elevations and remaining fill to be brought on site.

There was discussion regarding trees, depth of water onsite, stormwater drainage, deterioration of the house and the status of the application.

Based on the information submitted and presented during the hearing and discussions of the Board during the meeting Chair Ellis moved to continue review of the application of Ryan Sillery for the approval of a modified site plan for 220 Summer Street until September 13, 2021 with a decision deadline of 10 business days thereafter.

Second: Judith Sneath

In Favor: Gordon Carr, Gary Tondorf-Dick, Judith Sneath, Kevin Ellis

Opposed: None

Chair Ellis stated the next matter would be the Master Plan.

Member Carr discussed the current state of the draft Master Plan document and how the Board could move to finalize. There was a discussion regarding recent edits and the establishment an Implementation Committee.

Chair Ellis stated they would revisit on August 23, 2021.

Chair Ellis stated the meeting minutes of April 5, 2021, May 24, 2021, June 14, 2021 and June 21, 2021 were before the Board for review and approval.

Chair Ellis moved to approve the meeting minutes of April 5, 2021.

Second: Gordon Carr

In Favor: Gary Tondorf-Dick, Gordon Carr, Kevin Ellis, Judith Sneath

Opposed: None

There was a brief discussion regarding the May 24, 2021 meeting minutes.

Chair Ellis moved to approve the meeting minutes of May 24, 2021 with edits discussed.

Second: Gary Tondorf-Dick

In Favor: Judith Sneath, Gordon Carr, Gary Tondorf-Dick, Kevin Ellis

Opposed: None

Chair Ellis moved to approve the meeting minutes of June 14, 2021.

Second: Gary Tondorf-Dick

In Favor: Judith Sneath, Gordon Carr, Gary Tondorf-Dick, Kevin Ellis

Opposed: None

Chair Ellis moved to approve the meeting minutes of June 21, 2021.

Second: Gary Tondorf-Dick

In Favor: Judith Sneath, Gordon Carr, Gary Tondorf-Dick, Kevin Ellis

Opposed: None

Abstained: Gordon Carr

Chair Ellis asked for administrative updates.

Attorney Murphy discussed social media posts regarding projects that have not come before the Board and upcoming schedule.

At 8:15 p.m. Chair Ellis moved to adjourn.

Second: Judith Sneath

In Favor: Gary Tondorf-Dick, Judith Sneath, Gordon Carr, Kevin Ellis

Opposed: None

Respectfully submitted,

Tracy L. Altrich
Administrative Assistant, Community Planning